

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO
et al.,

(Jointly Administered)

Debtors.¹

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ORDER TO APPEAR FOR URGENT STATUS CONFERENCE

The Court has reviewed the *Mediation Team's Fifth Notice and Report* (Docket Entry No. 24112 in Case No. 17-3283 and Docket Entry No. 3433 in Case No. 17-4780) (the "Mediation Report").

1. The Court hereby directs the following counsel and individuals to appear for an urgent status conference to be held on **Monday, May 8, 2023, at 2:15 p.m. (Atlantic Standard Time)** (the "Urgent Status Conference"), to address the parties' apparent lack of

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

meaningful engagement in the mediation process. Counsel for the following parties are directed to appear **in person** for the Urgent Status Conference:

- Counsel for the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”)
- Counsel for the Puerto Rico Fiscal Agency and Financial Advisory Authority
- Counsel for the Principal Mediation Parties²

The following individuals are directed to appear in person or by videoconference participation using the Zoom platform:

- The Chair or Executive Director of the Oversight Board (or both)
- One or more principal business representatives from the members of the Ad Hoc Group of PREPA Bondholders
- The Mediation Team Leader

The Court will conduct the Urgent Status Conference in Courtroom 17C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, NY 10007 (the “New York Courtroom”), and by video teleconference in Courtroom 5 of the United States District Court for the District of Puerto Rico, Clemente Ruiz Nazario United States Courthouse, 150 Carlos Chardón Street, Federal Building, San Juan, Puerto Rico 00918-1767 (the “San Juan Courtroom”). Counsel who are not directed to appear in person and the individuals referenced above may attend in person or by videoconference using the Zoom platform.

The Urgent Status Conference may be adjourned if the Oversight Board, AAFAF and the Principal Mediation Parties file, by **May 7, 2023**, at **6:00 p.m.**, a joint schedule for mediation sessions to begin no later than May 22, 2023.

² The principal Mediation Parties are (i) the Ad Hoc Group of PREPA Bondholders, (ii) National, (iii) Assured, (iv) Syncora Guarantee, Inc., (v) La Unión de Trabajadores de La Industria Eléctrica y Riego (“UTIER”), (vi) Sistema de Retiro de los Empleados de la Autoridad de Energía Eléctrica (“SREAEE”), (vii) the Official Committee of Unsecured Creditors, and (viii) Puerto Rico Electric Power Authority’s fuel line lenders (collectively the “Principal Mediation Parties”), as indicated in the *Order and Notice of Preliminary Designation of Mediation Team and Setting Deadlines for Objections to Membership* (Docket Entry No. 20476 in Case No. 17-3283 and Docket Entry No. 2767 in Case No. 17-4780).

The Urgent Status Conference shall be governed by the following procedures.

Registration for In-Person Attendance; Videoconference Participation, and Listen-In Facilities for Attorneys, Members of the Public and Press

2. **In-Person Attendance at the Urgent Status Conference.** Judge Swain will be present in the New York Courtroom. **Counsel who have been directed to appear at the Urgent Status Conference in accordance with paragraph 1 are expected to appear in person (either in the New York Courtroom or the San Juan Courtroom).** Counsel who are not required to participate in the Urgent Status Conference will have the following options to attend the Urgent Status Conference: (i) attend in person in the New York Courtroom, (ii) attend and observe a video feed of the Urgent Status Conference in person in the San Juan Courtroom, or (iii) register for videoconference participation through the Zoom platform. Persons present in the New York Courtroom or the San Juan Courtroom have the option of wearing masks. **Each counsel intending to participate in or observe the Urgent Status Conference in person (in the New York Courtroom or the San Juan Courtroom) or through the Zoom platform must file an informative motion,** as set forth in paragraph 5 below. Recording, photography and retransmission of the proceedings by any means are prohibited. All proceedings will be conducted in the English language as required by law. 48 U.S.C. § 864. No interpretation services will be provided by the Court for the Urgent Status Conference.

3. **Videoconferencing Access to the Urgent Status Conference.** Counsel who are not required to participate in the Urgent Status Conference will have the option to attend the Urgent Status Conference using the Zoom platform. An invitation to register will be sent by the Court to participants who have registered their appearance by filing an Informative Motion in accordance with paragraph 5 below. Parties must respond to the invitation to register for Zoom access and will automatically receive the link and relevant login information to join the virtual

proceeding. To optimize performance of the Zoom platform and in the interest of avoiding excessive billing of fees, each party shall be limited to two attorneys appearing in the Zoom session at any given time. **Only persons who are identified in properly submitted registration documents, including a Party Appearance Sheet, will be permitted to appear at the Urgent Status Conference.**

4. **Listen-Only Public Access to the Urgent Status Conference.** Members of the public, press, and attorneys may **listen to but not participate in the Urgent Status Conference** by dialing (888) 363-4749, and, when prompted, entering the access code (7214978) and security code (7533) for listen-only access. This telephonic access line for the press and the general public will be in listen-only mode at all times. Recording and retransmission of the proceedings by any means are prohibited.

Party Informative Motion and Courtroom Procedures

5. **Party Informative Motion and Party Appearance Cover Sheet.** In accordance with paragraph 2, a Party must file an informative motion no later than **Friday, May 5, 2023, at 10:00 a.m. (Atlantic Standard Time)**. Each Informative Motion must be accompanied by a Party Appearance Cover Sheet. Counsel may select one method of appearance for each attorney appearing at the Urgent Status Conference. Counsel shall file an Amended Party Appearance Cover Sheet to change the method of appearance of counsel or an individual participant.

a. Party Appearance Sheet. Counsel for any Party that wishes to participate at the Urgent Status Conference must register an appearance by completing the Party Appearance Sheet. Counsel must identify: (i) the Party for which they intend to appear; and (ii) the name(s) and email address(es) for those attorney(s) who wish to participate in the Urgent Status Conference and the representatives identified in paragraph 1 who will attend the Urgent Status

Conference in person or via Zoom (counsel may provide the party representatives' email addresses to swaindprcorresp@nysd.uscourts.gov by **Friday May 5, 2023**, at **10:00 a.m.** (**Atlantic Standard Time**).

6. **Virtual Courtroom Procedures.** All persons granted remote access to the Urgent Status Conference are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of this prohibition may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. The formalities of a courtroom must be observed. When appearing by Zoom, each participant must be situated in such a manner as to be able to view the video screen and be seen by the Court. Each participant is strongly encouraged to utilize a headset to optimize audio quality and reduce background noise. Each participant's camera must be turned on when addressing the Court. No Party is permitted to join the Zoom proceeding by phone. Those appearing by Zoom may be removed from the virtual courtroom if they do not comply with this Order. During the Urgent Status Conference, individuals who are registered to participate via Zoom are directed to observe the following rules:

- a. The following naming conventions must be used by Zoom participants for admission to the Zoom virtual courtroom.³ For example:
 - i. Attorney participants: [Party Represented (abbreviations may be used)] / [Last Name of Attorney, First Name of Attorney] / [Law Firm/Government Office].
 - a. PARTY A / Doe, John / ABC Law Firm, or
 - b. XYZ Agency/ Doe, Jane / Office of the ABC Government

³ Parties must change their Zoom Screen Name **before** entering the waiting room.

ii. Individual Participant: Participant / [Last Name, First Name].

a. For example, Participant / Doe, John (PhD)

b. Identify yourself if asked to do so.

c. Identify yourself by name each time you speak.

d. Mute yourself when you are not speaking to eliminate background noise.

7. Turn off your video unless you are speaking or otherwise directly involved in the argument, unless the Court directs otherwise.

8. **Electronic Device Requests for In-Person Attendees.** Counsel are permitted to bring one cellular telephone into the courthouse in accordance with the Fifth Amended Standing Order M10-468. Counsel seeking to bring additional electronic devices into the New York Courtroom for the Urgent Status Conference must complete the Electronic Device General Purpose Form available on the Court's website at <https://www.nysd.uscourts.gov/forms/fillable-form-electronic-devices-general-purpose> and submit the completed form to the following address: swaindprcorresp@nysd.uscourts.gov by **Friday May 5, 2023, at 10:00 a.m. (Atlantic Standard Time)**. Such requests must be compliant with S.D.N.Y. Standing Order M10-468. The Court directs counsel's attention to the technical and device usage restrictions detailed in the Fifth Amended Standing Order. Counsel are reminded that devices may not be used for communications purposes in the courtroom.

SO ORDERED.

Dated: May 3, 2023

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge